THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.26862 of 2005

Dated:6th June, 2006

Between:

P.Pulla Rao, E-112827, Driver,

Ongole Depot, age 44 years,

R/o Ongole, Prakasam District.

…..PETITIONER

AND

The A.P.S.R.T.C,

rep by its Regional Managaer,

Prakasam Region at Ongole &

2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

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ORDER:

This writ petition is filed assailing the Award dated 10-3-2005, made in I.D.No.10/2000, on the file of Industrial Tribunal-cum-Labour Court, Guntur wherein the Labour Court confirmed the punishment of deferment of annual increment for a period of one year with cumulative effect imposed by the respondents in Proceedings No.M2/2(11)/97-Ongole, dated 19-9-1997.

Initially, petitioner by the Proceedings No.M2/2(11)/97-Ongole, dated 19-9-1997 was awarded a punishment of deferment of annual increment for a period of one year with cumulative effect, besides recovery of Rs.1,000/-towards cost of damages caused to the vehicle, for involving in a major accident due to his negligence, against which, on the appeal filed by the petitioner before the appellate authority, the appellate authority inspite of reducing the punishment enhanced it to two years, which was challenged before the Labour Court. The Labour Court, while setting aside the punishment of reducing the pay of the petitioner by two incremental stages with cumulative effect, restored the punishment imposed by the Depot Manager deferring one increment with cumulative effect, which is the subject matter of the writ petition.

Admittedly, there is no dispute that the enquiry is not conducted before imposing the punishment of deferment of one increment with cumulative effect. Apart from that, it is seen from the award that the labour Court has not given any valid reason for reducing the punishment to one year inspite of two years. Be that as it may, the punishment of deferment of increment without conducting any departmental enquiry is deprecated by the apex Court in ***Kulwanth Singh Gill v. State of Punjab*** **.** The 3rd respondent-Depot Manager, Ongole, Prakasam District by the Proceedings in No.M2/2(11)/97-Ongole, dated 19-9-1997 deferred the annual increment of the petitioner for a period of one year with cumulative effect, without conducting any departmental enquiry, which is contrary to law and contrary to the above said Judgment. This Court also in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005, following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab*** deprecated deferment of annual increment with cumulative effect**.** The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*

Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 as under.

The award of the Labour Court, dated 10-3-2005, passed in I.D.No.10/2000 is set aside, and the respondents are directed to treat the impugned order in proceedings No.M2/2(11)/97-Ongole, dated 19-9-1997, as the one for stoppage of increment, for a period of one year without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

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(N.V. RAMANA, J.)

Date:6th June, 2006.